

REMARKS

Applicant has amended claim 1 to recite use of more than a single gene for the screening assay for gene modulating activity. Limitation to one of the disclosed sequences (SEQ ID NO: 1-583) is recited in claim 2. In addition, claim 40 has been cancelled and replaced by new claim 54.

Improper multiple dependency of claims 7, 8, 15-19, 22, 25-28 and 43-45 have been removed. New claim 53 limits the gene of claim 1 to one of the disclosed nucleotide sequences.

Finally, Applicants include herewith a new diskette containing the Sequence Listing. The diskette being referred to in the CRF Problem Report is not the sequence diskette – it was submitted with the IDS and contains prior art sequences that were contained in Figure 1 of the priority provisional applications. The diskette originally filed with the application contained the sequence listing and the disk filed with the prior art statement. In the interests of clarity, Applicant submits a new diskette containing the sequence listing along with the statement that no new matter has been added and a copy of the CRF Problem Report.

Applicant includes herewith a request for a 3 month extension of time to respond plus a check to cover the fee. The Commissioner is authorized to charge payment of any additional filing fees required under 37 CFR 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

Serial No.: 09/964,824
Filed: 27 September 2001

FIRST CLASS CERTIFICATE

I hereby certify that this
correspondence is being deposited
today with the U.S. Postal Service as
First Class Mail in an envelope
addressed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Alan J. Grant

Alan J. Grant, Esq.

5/23/03
Date

Respectfully submitted,

Alan J. Grant

Alan J. Grant, Esq.
Reg. No. 33,389

CARELLA, BYRNE BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
Six Becker Farm Road
Roseland, NJ 07068
Phone: 973-994-1700
Fax: 973-994-1744